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ATTORNEYS FOR DEFENDANT ARISTA
NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF

**JOINT STATEMENT RE: ARISTA'S
MOTION TO STRIKE (DKT. 305)**

1 The parties respectfully submit this joint statement to inform the Court that one aspect of
 2 Arista's "Motion to Strike Late Contentions or Alternatively to Continue Case Schedule" (Dkt.
 3 305) has now been resolved by agreement of the parties and thus no longer needs resolution by
 4 this Court. Arista initially moved to strike certain claims by Cisco for damages in the form of lost
 5 sales to specific customer accounts. (Dkt. 305 at pp. 9-10.) Cisco opposed all aspects of Arista's
 6 motion, including the request to strike Cisco's claim for damages in the form of lost sales to
 7 specific customer accounts. (Dkt. 323-3.) On reply, Arista withdrew that aspect of its motion.
 8 (Dkt. 363 at 1 n.1.) In doing so, however, Arista requested "the right to take a 30(b)(6) deposition,
 9 not to exceed seven hours, relating to the thirty customers..." *Id.* Since the filing of Arista's reply
 10 brief, counsel for the parties have met and conferred, and the parties through counsel have agreed
 11 that Arista may have five hours to conduct a deposition of Cisco under Fed. R. Civ. P. 30(b)(6)
 12 for such purposes. Given that agreement of the parties, at the hearing on Arista's motion on July
 13 27, 2016, before the Honorable Nathanael Cousins, they intend jointly to ask the Court for an
 14 allowance for such a deposition to occur, and that the portions of Arista's motion relating to "lost
 15 sales" be denied as moot. The other aspects of Arista's motion (relating to "HelpDesc" allegations
 16 of copyright infringement) remain disputed.

17 DATED: July 26, 2016

Respectfully submitted,

19 /s/ John M. Neukom

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DATED: July 26, 2016

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ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of Brian L. Ferrall (as confirmed by Eduardo Santacana) within this e-filed document.

/s/ John M. Neukom